

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JULIA BETANCES,

Plaintiff,

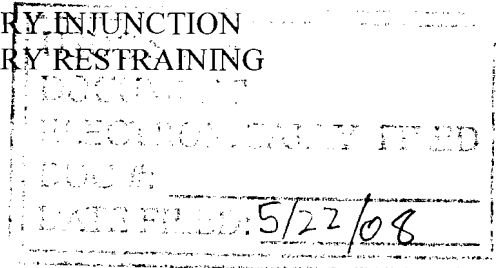
08 Civ. _____

-against-

THE NEW YORK CITY
HOUSING AUTHORITY,
and TINO HERNANDEZ, as Chairman
of the New York City Housing Authority

Defendants.

ORDER TO SHOW CAUSE
FOR PRELIMINARY INJUNCTION
WITH TEMPORARY RESTRAINING
ORDER



Upon reading and filing the annexed Declaration of Julia Betances dated May 21, 2008, and the exhibits thereto, the plaintiff's complaint, dated May 21, 2008, and upon the accompanying Memorandum of Law in Support of Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction, dated May 21, 2008, and good and sufficient cause appearing therefore, it is hereby

ORDERED, that defendants The New York City Housing Authority, and Tino

Hernandez, as Chairman of The New York City Housing Authority (collectively "Defendants"),

attend a conference re:

show cause before this Court, at Courtroom 21D, at 500 Pearl Street, New York, NY 10007, on

May 27, 2008, at 2 o'clock P.m., or as soon thereafter as counsel may be heard, why an order

should not be issued pursuant to Federal Rule of Civil Procedure 65, preliminarily and thereafter permanently:

- a) Enjoining and restraining Defendants from renting the handicap accessible apartment 6C at 290 East 4th Street, New York, NY, 10009 to any person other than Plaintiff;

- b) Enjoining and restraining Defendants from allowing any person other than Plaintiff to enter into possession of, execute a lease or other rental agreement for, or otherwise assert control over apartment 6C at 290 East 4th Street, New York, NY;
- c) Enjoining and restraining Defendants from making any alterations or repairs to apartment 6C at 290 East 4th Street, New York, such as would render the apartment unavailable for occupancy by a mobility impaired person;
- d) No injunctive relief is sought to stay the Kings County Housing Court nonpayment case currently pending under L&T docket # 28651/07.

~~ORDERED, that pending the hearing and determination of Plaintiff's motion for a preliminary injunction, pursuant to Federal Rule of Civil Procedure 65 and it appearing that Plaintiff will suffer immediate and irreparable harm by the Defendants before a hearing can be held on Plaintiff's motion for a preliminary injunction, Defendants and all others in active concert and participation with them are temporarily restrained and enjoined from:~~

- ~~a) from renting handicap accessible apartment 6C at 290 East 4th Street, New York, NY, 10009 to any person other than Plaintiff;~~
- ~~b) allowing any person other than Plaintiff to enter into possession of, execute a lease or other rental agreement for, or otherwise assert control over apartment 6C at 290 East 4th Street, New York, NY;~~

~~c) making any alterations or repairs to apartment 6C at 290 East 4th Street, New York, such as would render the apartment unavailable for occupancy by a mobility impaired person;~~

~~d) No injunctive relief is sought to stay the Kings County Housing Court nonpayment case currently pending under L&T docket # 28651/07~~

~~Security in the amount of \$ _____ will be posted by _____~~
ORDERED, that opposition papers, if any, shall be served upon counsel for Plaintiff, The

Legal Aid Society, 111 Livingston Street, 7th Floor, Brooklyn, NY 11201 (Attention: Linda

✓ Holmes, Esq. and John Paul Newton, Esq.) on or before May ~~22~~ ^{at 9:00 A.M.}, 2008; and it is further
with courtesy copy hand delivered to Chambers at same time

ORDERED, that a copy of this Order to Show Cause, together with the papers upon
which it is based, and the Summons and Complaint, be served on or before May ~~23~~ ^{@ NOON}, 2008 by
(+ copy to Del's General Counsel)
personal service on the Defendants, which shall be deemed good and sufficient service.

SO ORDERED:

RMB

U.S.D.J.

Richard M. Berman